

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**May 09, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JAMES LINGARD,

Plaintiff,

v.

SPOKANE COUNTY, CITY OF  
SPOKANE, MAYOR NADINE  
WOODWARD, COMMISSIONER  
MARY KUNEY, SHERIFF OZZIE  
KNEZOVICH, MAINTENANCE  
JOHN DOES 1-3, ACTING  
UNDERSHERIFF JOHN DOE and  
FLOOR SHIFT OFFICERS JOHN  
DOES 1-3,

Defendants.

NO: 2:23-CV-00028-RMP

ORDER DISMISSING ACTION

**1915(g)**

Plaintiff James Lingard, a pretrial detainee at Spokane County Detention Services, filed this *pro se* Civil Rights Complaint with co-Plaintiffs Shawn Cottrell and Steven Young on January 31, 2023. ECF No. 1. By Order filed February 3, 2023, the Court directed that the action be severed, and each litigant proceed in his

1 separate action. ECF No. 15.

2 On March 2, 2023, the Court granted Plaintiff James Lingard leave to  
3 proceed *in forma pauperis*, advised him of the deficiencies of his *pro se* Civil  
4 Rights Complaint, and directed him to amend or voluntarily dismiss the Complaint  
5 within sixty (60) days. *See* ECF Nos. 18 and 19. Specifically, Plaintiff had failed  
6 to set forth facts demonstrating how each named Defendant caused or personally  
7 participated in causing a deprivation of Plaintiff's protected rights. *See Arnold v.*  
8 *IBM*, 637 F.2d 1350, 1355 (9th Cir. 1981); *Taylor v. List*, 880 F.2d 1040, 1045 (9th  
9 Cir. 1989).

10 The Court cautioned Plaintiff that if he failed to amend his complaint as  
11 directed, the Court would dismiss it for failure to state a claim under 28 U.S.C. §§  
12 1915(e)(2) and 1915A(b)(1). ECF No. 19 at 13. Plaintiff did not comply with the  
13 Court's directives and has filed nothing further in this action. Therefore, it appears  
14 that Plaintiff has abandoned this litigation.

15 For the reasons set forth above and in the Order to Amend or Voluntarily  
16 Dismiss Complaint, ECF No. 19, **IT IS ORDERED** that this action is  
17 **DISMISSED** for failure to state a claim upon which relief may be granted under  
18 28 U.S.C. § 1915(e)(2).

19 Pursuant to 28 U.S.C. § 1915(g) a prisoner who brings three or more civil  
20 actions or appeals which are dismissed as frivolous or for failure to state a claim  
21 will be precluded from bringing any other civil action or appeal *in forma pauperis*

1 “unless the prisoner is under imminent danger of serious physical injury.” 28  
2 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory provisions of 28**  
3 **U.S.C. § 1915. This dismissal of Plaintiff’s complaint may count as one of the**  
4 **three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his**  
5 **ability to file future claims *in forma pauperis*.**

6 **IT IS SO ORDERED.** The District Court Clerk is directed to enter this  
7 Order, enter judgment of dismissal, provide copies to Plaintiff at his last known  
8 address, and **close the file**. The District Court Clerk is further directed to provide a  
9 copy of this Order to the Office of the Attorney General of Washington,  
10 Corrections Division. The Court certifies that any appeal of this dismissal would  
11 not be taken in good faith.

12 **DATED** May 9, 2023.

13  
14 s/ Rosanna Malouf Peterson  
15 ROSANNA MALOUF PETERSON  
16 Senior United States District Judge  
17  
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